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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

The rule of law at the national and international levels

Letter dated 10 May 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to the letter dated 7 May 2012 from the Permanent Representative of Armenia addressed to the Secretary-General (A/66/792-S/2012/303), in which he attempts to interpret the illegal "presidential elections" to be organized by Armenia, the occupying Power, in July 2012 in the occupied Daghlyq Garabagh (Nagorno Karabakh) region of the Republic of Azerbaijan as the exercise by the Armenian inhabitants of their "fundamental human rights".

As is seen from the content of the letter, its author, as always in similar instances, omits to mention the rights and freedoms of the significantly larger Azerbaijani population of the same region, which were deliberately and savagely suppressed as a result of their forcible expulsion during Armenia's aggression against Azerbaijan. It is well known that Armenia used military force to seize the Azerbaijani lands, carry out total ethnic cleansing there and establish on the occupied territory of Azerbaijan the ethnically constructed subordinate separatist entity.

The fact that all Azerbaijanis were expelled from the occupied territories is well attested. Thus, for example, in its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), specifically concerning the conflict between Armenia and Azerbaijan over the Daghlyq Garabagh region of Azerbaijan, the Security Council expressed grave concern at "the displacement of a large number of civilians". In its resolution 48/114 of 20 December 1993, the General Assembly noted with alarm "that the number of refugees and displaced persons in Azerbaijan has recently exceeded one million". The Representative of the Secretary-General on the human rights of

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internally displaced persons stated that "Azerbaijan has one of the largest displaced populations in the world" and that the internal displacement in Azerbaijan is a direct consequence of the conflict and military occupation of its territory (see E/CN.4/1999/79/Add.1 and A/HRC/8/6/Add.2).

It is clear that the creation of a monoethnic culture in the seized Azerbaijani lands, both by expelling the Azerbaijani population and by refusing to permit its return, constitutes an integral part of Armenia's annexationist policy. Indeed, Armenia's actions may be characterized as "ethnic cleansing", a term defined by the International Court of Justice as: "in practice used, by reference to a specific region or area, to mean 'rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area'" (*Genocide Convention*, ICJ Reports, 2007, para. 190).

It is obvious that one cannot demand the legitimation of privileges at the core of which is the discriminatory denial of fundamental rights and freedoms with respect to others. The Universal Declaration of Human Rights, which the Permanent Representative of Armenia selectively quotes, makes it clear in the very first paragraph that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Furthermore, article 2 of the Declaration stipulates that "everyone is entitled to all the rights and freedoms ... without distinction of any kind".

The international community has consistently reaffirmed the sovereignty, territorial integrity and inviolability of the internationally recognized borders of Azerbaijan and declared all "elections" arranged so far in the occupied territories of Azerbaijan null and void (see, e.g, A/64/851-S/2010/345). The illegality of the separatist entity and its structures set up by Armenia in the occupied territories of Azerbaijan has been repeatedly stated at the international level in the most unambiguous manner. The European Court of Human Rights has recently concluded that the separatist entity, referred to by Armenia as the "Nagorno-Karabakh Republic", "is not recognised as a State under international law by any countries or international organisations" and that, "against this background, the invoked laws cannot be considered legally valid" (*Elkhan Chiragov and Others v. Armenia*, European Court of Human Rights, decision of 14 December 2011, application No. 13216/05, para. 102).

The Republic of Azerbaijan has no doubt, and the clearly expressed unanimity of the international community affirms this confidence, that the attempts of Armenia to give the ethnically constructed subordinate separatist entity the appearance of legitimacy, independence and democracy are, a priori, doomed to failure. The leadership of Armenia must finally realize that its irresponsible and provocative policy of animosity and hatred towards neighbouring countries and nations, based on historical, cultural, racial and religious prejudices, has no chance to succeed.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 39, 67 and 83, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative